

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Yunyan Zheng)	
)	
Petitioner,)	
)	
versus)	
)	
Kristi Noem, Secretary,)	
Department of Homeland Security,)	
Todd Lyons, Director of Immigration & Customs Enforcement)	Docket:
Respondents.)	
)	

Petition for Writ of Habeas Corpus

1) Petitioners present this Petition before this Honorable Court requesting that Petitioner, Yunyan Zheng, be released from Respondents' immigration custody while her green card application, Form I-485, IOE0929770930, is pending. This petition is filed based on Respondents' unlawful detention of Petitioner and Respondents' failure to act in accordance with the law.

Jurisdictional Basis

1) The Court has jurisdiction pursuant to 28 U.S.C. § 1331 because the action arises under the Immigration and Nationality Act. This Court has the power to issue a writ of habeas corpus pursuant to 28 U.S.C. § 1651, 2241, and 2242. Furthermore, Petitioners invokes this Court's jurisdiction under 28 U.S.C. §§ 2201 and 2201, as well as under the United States Constitution.

- 2) The Court's jurisdiction over the present action is founded on 28 USC §1361 (Mandamus Act), 28 USC §1331 (federal question jurisdiction).
- 3) Judicial review of actions by agencies of the United States is authorized under 5 USC §701 et seq. (Administrative Procedure Act or "APA").

Venue

- 4) Venue is proper pursuant to 28 USC §1391(e)(3), which provides that a civil action against the United States or its agencies may be brought in any judicial district in which Petitioner resides if no real property is involved. Petitioner is being detained at ICE at 26 Federal Plaza. NY, NY 10278.

Parties

- 5) Petitioner is a native and citizen of the People's Republic of China ("China"). She is a beneficiary of an I-130 Immigration Petition, which was filed by her U.S citizen husband. Petitioner's A number is A 077 998 481.
- 6) Defendant, Kristi Noem, is the Secretary of Department of Homeland Security. She is named in this Petition solely in her official capacity.
- 7) Defendant, ^{Todd Lyons,} Director of Immigration & Customs Enforcement is the head of ICE that is detaining Petitioner.

Factual and Procedural Background

- 8) Petitioner married her husband on 3/20/2013.

- 9) Her husband, Chuen Cheng, is a handicapped, disable man who is confined to a wheelchair.
- 10) Petitioner filed her application I-485 on 1/31/25. The USCIS receipt for her application I-485 is IOE 0929770930.
- 11) She was scheduled for an interview on 7/24/25.
- 12) She appeared before USCIS office in New York City on 7/24/25.
- 13) During the interview, she was apprehended by ICE and currently being detained at ICE office at 26 federal Plaza. NY, NY 10278.
- 14) As of today, the application I-485 is still pending before the USCIS.
- 15) Respondents ignored Petitioner's request to adjudicate her application I-485 before her detention.
- 16) Respondents are attempting to remove Petitioner from the United States to China.
- 17) Petitioner's removal from the United States is imminent.

Count I. Unlawful Arrest and Detention of Petitioner

- 18) Petitioners repeat allegations 9 through the last allegation.
- 19) Petitioner is eligible to adjust her status.
- 20) Arrest of Petitioner is unlawful and unreasonable.
- 21) Detention of Petitioner is unlawful and unreasonable.
- 22) Respondents gained nothing by removing the Petitioner while I-485 is pending before USCIS.
- 23) If Petitioner is removed from the U.S., Petitioner will be presumably barred from reentering the U.S. for a period of ten years based on current immigration laws.

24) The Respondents' actions constitute a capricious and unreasonable abuse of their discretion when Petitioner is being detained while I-485 application is pending.

Prayer for Relief

WHEREFORE, Petitioner respectfully prays the Court to:

- I. Issue a Writ of Habeas Corpus, directing the Respondents to bring Petitioner back to New York City immediately, so Petitioner can continuously pursue her I-485 application.
- II. Issue a Writ of Habeas Corpus, directing the Respondents to not to remove Petitioner from the U.S. and not to send Petitioner to China while I-485 is pending.
- III. Issue a Writ of Habeas Corpus, directing the Respondents to release Petitioner immediately;
- IV. Grant such other and further relief as this Honorable Court deems just and appropriate.

RESPECTFULLY submitted this 7/24/2025

/s/ Zhou Wang

Zhou Wang, Esq
Attorney at Law
P O BOX 130282
New York, New York 10013
Tel: 212 966 8860
Office8860@gmail.com